



Paper No. 8

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OFFICE OF PETITIONS

In re Application of  
George P. Pollack  
Application No. 09/587,948  
Filed: June 6, 2000  
Attorney Docket No. 029169-9001

DECISION ON PETITION

This is a decision on the petition filed on January 24, 2002 (Certificate of Mailing dated December 4, 2001), pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action, mailed November 14, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time for reply under the provisions of 37 CFR 1.136(a) were obtained. No response having been received, the above-identified application became abandoned on February 15, 2001. A Notice of Abandonment was mailed on June 19, 2001.

With the instant petition, petitioner filed an amendment in reply to the non-final Office action, and met all other requirements for a grantable petition under 37 CFR 1.137(b).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

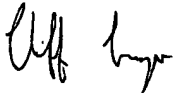
The Revocation and Substitute Power Of Attorney, filed with the instant petition, is acknowledged and made of record. Future correspondence will be directed to the above address of record.

The application file is being forwarded to Technology Center 2800 for consideration of petitioner's amendment, filed January 24, 2002.

Telephone inquiries regarding this decision should be directed to  
Petitions Attorney Cliff Congo at (703) 305-0272.



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Supervisory Petitions Examiner  
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